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**31353 U.S. PTO  
10/765063**

**Date: January 28, 2004**

**Docket No.: 3798-0108P**

**MS PATENT APPLICATION**

**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

**Sir:**

This is a Request for filing a ☒ continuation ☐ divisional  
☐ continuation-in-part application under 37 C.F.R. § 1.53(b) of  
pending prior Application No. 09/042,643 filed on March 17, 1998,  
the entire contents of which are hereby incorporated by  
reference,  
by

**Sylvia Daunert; Jennifer C. Lewis; and Emily C. Hernandez**

**for**

**QUANTITATIVE BINDING ASSAY USING GREEN FLUORESCENT PROTEIN AS A  
LABEL**

1. ☒ Enclosed is an application consisting of specification,  
claims, declaration and drawings/photographs (if  
applicable).



13281 U.S. PTO

Docket No. 3798-0108P

2. ☒ The filing fee has been calculated as follows:

			LARGE ENTITY	SMALL ENTITY
BASIC FEE			\$770.00	\$385.00
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE
TOTAL CLAIMS	10-20 =	0	x 18 = \$0.00	x 9 = \$0.00
INDEPENDENT CLAIMS	2-3 =	0	x 86 = \$0.00	x 43 = \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$290.00	+ \$145.00
TOTAL			\$0.00	\$385.00

3. ☒ A check in the amount of \$385.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
5. ☒ Enclosed is/are ten (10) sheet(s) of formal drawings and/or photographs.
- 6a. ☒ A statement claiming small entity status was filed in prior Application No. 09/042,643 on June 29, 1998. See the attached copy of the statement claiming small entity status.
- 6b. ☒ The current application qualifies for small entity status.
7. ☒ The prior application is assigned to The University of Kentucky Research Foundation.
8. ☒ A Preliminary Amendment is enclosed.
- 9a. ☐ Priority of Application No(s). \_\_\_\_\_ filed in \_\_\_\_\_ on \_\_\_\_\_ is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on \_\_\_\_\_.
- 9b. ☐ Priority of International Appln. \_\_\_\_\_ filed on \_\_\_\_\_ under the Patent Cooperation Treaty and \_\_\_\_\_

Application No. \_\_\_\_\_ filed in \_\_\_\_\_ on \_\_\_\_\_ under 35 U.S.C. § 120 and/or § 119 are hereby reclaimed.

10. ☐ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
11. ☒ Address all future communications to:  
  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000  
or  
Customer No. 02292
12. ☐ An extension of time for \_\_\_\_\_ ( ) month(s) until \_\_\_\_\_ has been submitted in parent Application No. 09/042,643 in order to establish co-pendency with the present application.
13. ☐ Also enclosed herewith is the following:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Mark J. Nuell  
Mark J. Nuell, #36,623

Chn,  
DRN/CAM/gh  
3798-0108P

P.O. Box 747  
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Attachment(s)

COPY

Docket No.: 434-080 (50229-122)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :  
Sylvia Daunert et al. :  
Serial No. 09/042,643 : Group Art Unit: 1643  
Filed: March 17, 1998 : Examiner:  
For: QUANTITATIVE BINDING ASSAYS USING GREEN FLUORESCENT  
PROTEIN AS A LABEL

TRANSMITTAL OF VERIFIED STATEMENT  
CLAIMING SMALL ENTITY STATUS

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

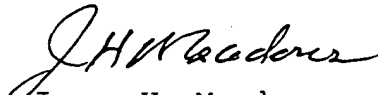
Sir:

Transmitted herewith for filing in the above-referenced  
application is the following:

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS -  
NONPROFIT ORGANIZATION

Respectfully submitted,

McDERMOTT, WILL & EMERY



James H. Meadows  
Registration No. 33,965

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Date: June 29, 1998